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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

**Cung Le, Nathan Quarry, and Jon Fitch, on
 behalf of themselves and all others similarly
 situated,**

Plaintiffs,

v.

**Zuffa, LLC, d/b/a Ultimate Fighting
 Championship and UFC,**

Defendant.

**Case Nos. 5:14-cv-05484-EJD, 5:14-cv-05591-
 EJD, 5:14-cv-05621-EJD**

Date: June 11, 2015
 Time: 9:00 a.m.
 Place: Courtroom 4
 Judge: Hon. Edward J. Davila

**PLAINTIFFS' REPLY MEMORANDUM OF
 LAW IN SUPPORT OF MOTION FOR
 CONSOLIDATION AND ENTRY OF CMO**

Case No. 5:14-cv-05484-EJD
 Case No. 5:14-cv-05591-EJD
 Case No. 5:14-cv-05621-EJD

**Luis Javier Vazquez and Dennis Lloyd Hallman,
on behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

**Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,**

Defendant.

**Brandon Vera and Pablo Garza, on behalf of
themselves and all others similarly situated,**

Plaintiffs,

v.

**Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,**

Defendant.

Defendant Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC (“UFC” or “Defendant”) does not challenge or rebut any of the grounds Plaintiffs set out in support of their motion for consolidation and entry of a case management order. As the [Proposed] Case Management Order (“CMO”) submitted by Plaintiffs is unchallenged and undisputed, the Court should enter the CMO, and thereby streamline these proceedings.

The UFC’s opposition is not really an opposition. While conceding the merits of Plaintiffs’ motion, Defendant adverts to its *own* pending motion to consolidate the matters for trial, and in doing so, agrees that these related matters¹ raise common issues of law and fact so as to require consolidation for all purposes, not simply for pretrial matters. *See* Docket No. 61 at 1 (“these essentially identical cases that seek to represent identical classes should be consolidated for all purposes”). The UFC *agrees* with Plaintiffs that these matters should be consolidated at least for pretrial purposes. On that basis, Plaintiffs’

¹ The Court ordered the *Vasquez* and *Vera* matters related to the *Le* matter on January 7, 2015. *See* Dkt. Nos. 18, 19.

1 motion should be granted.

2 The UFC, in its motion, asks the Court to enter an order consolidating these matters for all
3 purposes, including trial. As will be more fully explained in Plaintiffs' Opposition to the UFC's motion
4 (which will be filed on March 10), although Plaintiffs agree that consolidation for pretrial purposes is
5 proper under Fed. R. Civ. P. 42 given the presence of common issues of fact and law, consolidation for all
6 purposes—including consolidation of judgments or rights to appeal—should wait until (at minimum) the
7 pleadings and the transfer motions are resolved. *See Gelboim v. Bank of America*, 574 U.S. ____ (2015) (slip
8 op. at 7-9).

9 In any event, resolution of this dispute has no bearing on the proposed CMO, which is silent on
10 the issue of consolidation for trial. If the Court were to agree with the UFC at this juncture, or as is more
11 appropriate, after pleadings are resolved and discovery has been taken, the parties can address the issue
12 and the Court can resolve the issue regarding consolidation for trial at the time.

13 The UFC also asks the Court to delay consideration of entry of the CMO until the Case
14 Management Conference set for May 7, 2015, proposing that the parties address it in their Case
15 Management Statement. The UFC fails to provide any rationale for doing so. The parties have already
16 met and conferred on the terms of the order, and the issue of whether the CMO should be entered is fully
17 briefed. It is consistent with principles of judicial economy and sound case management to enter the
18 CMO now. Among other things, as the UFC itself points out, it will streamline the proceedings and
19 permit the parties to avoid the inefficiencies associated with filing in four separate proceedings.² *See*
20 Docket No. 61 at 2 (“[The UFC] and the Plaintiffs agree that consolidating these virtually identical
21 actions for pre-trial purposes would have many efficiencies, including the streamlining of court filings and
22 aiding in the efficient management of the cases.”).

23 Indeed, it is somewhat troubling that the principal purpose for the UFC's opposition apparently is
24 to delay and multiply these proceedings. Rather than stipulate to the CMO in January 2015, as Plaintiffs
25 had asked, the UFC refused and forced Plaintiffs to file a motion to enter the CMO, even though the
26

27
28 ² Since Plaintiffs filed their motion to consolidate, the Court deemed *Ruediger, et al. v. Zuffa, LLC*, d/b/a Ultimate Fighting Championship and the UFC, No. 5:15-cv-00521-NC related to this matter.

1 motion was undisputed as to all issues, except for whether it covered trial. Subsequently, the UFC filed its
 2 own cross motion noticed for hearing in June 2015. The UFC has provided no legitimate explanation for
 3 not stipulating to something that it, in fact, agreed to, as indicated by its subsequent motion.

4 As there is no dispute concerning its terms, the CMO consolidating these matters should be
 5 entered, and the disputed matters relating to consolidation for trial should be taken up at a later date.

6
 7 Dated: March 3, 2015

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Pursuant to Local Rule 5.1(i)(3), I attest that all other signatories listed, and on whose behalf the

1 filing is submitted, concur in the filing's content and have authorized the filing.

2 Dated: March 3, 2015

By: /s/ Joseph R. Saveri

Joseph R. Saveri